



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/022,981  
Filing Date: December 17, 2001  
Applicant: McLain  
Group Art Unit: 2614  
Examiner: Ramakrishnaiah  
Title: METHOD AND APPARATUS USING VARIATIONS IN POWER  
MODULATION TO DETERMINE AN INTERFERING  
MOBILE TERMINAL  
Attorney Docket: 7784-000239

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Director of the United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Reasons for allowance are only warranted in instances in which "the record of the prosecution as a whole does not make clear [the Examiner's] reasons for allowing a claim or claims." 37 C.F.R. 1.104 (e). In the present case, Applicant believes the record as a whole does make clear the reasons for allowance and therefore no statement by the Examiner is necessary or warranted. Furthermore, Applicant does not necessarily agree with each statement in the reasons for allowance. While Applicant believes the claims are allowable, Applicant does not acquiesce that patentability resides solely in the specific feature or combination of features identified, or that each feature or combination of features identified is required for patentability, or that equivalents of any specifically recited feature is outside the scope of the allowed claims.

Respectfully submitted,

Dated: November 7, 2006  
HARNES, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600  
MDE/jo

By:

MARK D. ELCHUK, REG. NO. 33,686

11-08-06

HDP/SB/21 based on PTO/SB/21 (08-00)

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

|   |                        |                |
|---|------------------------|----------------|
| <b>TRANSMITTAL<br/>FORM</b><br>(to be used for all correspondence after initial filing) | Application Number     | 10/022,981     |
|   | Filing Date            | 12/17/01       |
|   | First Named Inventor   | McLain         |
|   | Group Art Unit         | 2614           |
|   | Examiner Name          | Ramakrishnaiah |
| Total Number of Pages in This Submission  | Attorney Docket Number | 7784-000239    |

## ENCLOSURES (check all that apply)

|   |  |   |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Response<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) ____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br><b>"Fee Address" Indication form; Comments on Statement of Reasons for Allowance; copy of Part B - fee transmittal (in duplicate) and postcard</b> |
| Remarks<br>The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.   |  |   |

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                         |                                  |               |                |          |        |
|-------------------------|----------------------------------|---------------|----------------|----------|--------|
| Firm or Individual name | Harness, Dickey & Pierce, P.L.C. | Attorney Name | Mark D. Elchuk | Reg. No. | 33,686 |
| Signature               |                                  |               |                |          |        |
| Date                    | November 7, 2006                 |               |                |          |        |

## CERTIFICATE OF MAILING/TRANSMISSION

|   |                |                        |                               |
|---|----------------|------------------------|-------------------------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail in an envelope addressed to: Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date indicated below. |                |                        |                               |
| Typed or printed name   | Mark D. Elchuk | Express Mail Label No. | EV 757 778 295 US (11/7/2006) |
| Signature   |                | Date                   | November 7, 2006              |

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